

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cv-11818

United States of America

v.

Terrence J. Joyce

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-29

and contained in I Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 4/16/2007.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on April 19, 2007.

By:



Receipt of the documents in the above entitled case is hereby acknowledged this date: 4/20/07.

D. Burchard
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-11818-RWZ**

USA v. Joyce
Assigned to: Judge Rya W. Zobel
Demand: \$29,000
Cause: 28:1345 Default of Student Loan

Date Filed: 09/02/2005
Jury Demand: Defendant
Nature of Suit: 152 Contract: Recovery
Student Loan
Jurisdiction: U.S. Government Plaintiff

Plaintiff

USA




represented by **Christopher R. Donato**
United States Attorney's Office
John Joseph Moakley Federal
Courthouse
1 Courthouse Way
Suite 9200
Boston, MA 02210
617-748-3303
Fax: 617-748-3972
Email: chris.donato@USDOJ.GOV
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

M.D. Terrence J. Joyce

represented by **Terrance J. Joyce**
30 Fort Meadow Drive
Hudson, MA 01749
US
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/02/2005	 1	COMPLAINT against Terrence J. Joyce Filing fee: \$ 250, receipt number na, filed by USA. (Attachments: # 1 Civil Cover Sheet)(Johnson, Jay) (Entered: 09/09/2005)
09/02/2005		Summons Issued as to Terrence J. Joyce. (Johnson, Jay) (Entered: 09/09/2005)
09/02/2005		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Johnson, Jay) (Entered: 09/09/2005)

10/04/2005	<u>2</u>	WAIVER OF SERVICE Returned Executed Terrence J. Joyce waiver sent on 9/8/2005, answer due 11/7/2005. (Johnson, Jay) (Entered: 10/05/2005)
10/05/2005	<u>3</u>	WAIVER OF SERVICE Returned Executed (Donato, Christopher) (Entered: 10/05/2005)
10/17/2005	<u>4</u>	Letter/request (non-motion) from Terrence Joyce responding to phone calls from Mrs Desingco. (Johnson, Jay) (Entered: 10/19/2005)
11/03/2005	<u>5</u>	MOTION to Strike and to Dismiss by Terrence J. Joyce. (Attachments: # 1 request for hearing# 2 jury demand)(Johnson, Jay) (Entered: 11/04/2005)
11/03/2005	<u>6</u>	ANSWER to Complaint with Jury Demand by Terrence J. Joyce. (Johnson, Jay) (Entered: 11/04/2005)
11/03/2005	<u>8</u>	DEMAND for Trial by Jury by Terrence J. Joyce. (Urso, Lisa) (Entered: 11/18/2005)
11/15/2005	<u>7</u>	Opposition re <u>5</u> MOTION to Strike filed by USA. (Donato, Christopher) (Entered: 11/15/2005)
11/17/2005	<u>9</u>	Judge Rya W. Zobel : endorsedORDER entered denying <u>5</u> Motion to Strike and to dismiss (Urso, Lisa) (Entered: 11/18/2005)
11/18/2005	<u>9</u>	NOTICE of Scheduling Conference Scheduling Conference set for 12/15/2005 02:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 11/18/2005)
12/06/2005	<u>10</u>	JOINT SUBMISSION pursuant to Local Rule 16.1 by USA.(Donato, Christopher) (Entered: 12/06/2005)
12/06/2005	<u>11</u>	CERTIFICATE OF SERVICE by USA re <u>10</u> Joint submission. (Donato, Christopher) (Entered: 12/06/2005)
12/06/2005	<u>12</u>	CERTIFICATION pursuant to Local Rule 16.1 by USA.(Donato, Christopher) (Entered: 12/06/2005)
12/08/2005	<u>13</u>	Letter/request (non-motion) from Terrance Joyce to mr Donato regarding pre-trial schedule. (Johnson, Jay) (Entered: 12/12/2005)
12/12/2005	<u>14</u>	Notice Resetting Hearing. Hearing rescheduled to: 12/15/05 at 3:00 p.m. (only the time has changed) (Urso, Lisa) (Entered: 12/12/2005)
12/12/2005	<u>14</u>	DEFENDANTS STATEMENT re scheduling conference. (Johnson, Jay) (Entered: 12/13/2005)
12/14/2005	<u>15</u>	Letter/request (non-motion) from Terrence J. Joyce Regarding attached confidential settlement proposal (Johnson, Jay) Modified on 12/15/2005 (Johnson, Jay). (Entered: 12/15/2005)
12/15/2005	<u>16</u>	ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Scheduling Conference held on 12/15/2005. Status Report due by 2/15/2006 to see if the Goverment & defendant can come to an

		agreement; (Urso, Lisa) (Entered: 12/16/2005)
02/14/2006	<u>16</u>	Letter/request (non-motion) from Terrence J. Joyce in response to the 2/9/06 letter from Christopher Donato. (Johnson, Jay) (Entered: 02/14/2006)
02/15/2006		Notice of correction to docket made by Court staff. Correction: #17 Letter from Michael Feinman corrected because: Docketed in wrong case. Letter has been deleted. (Johnson, Jay) (Entered: 02/15/2006)
02/15/2006	<u>17</u>	STATUS REPORT by USA. (Donato, Christopher) (Entered: 02/15/2006)
03/01/2006		Judge Rya W. Zobel : endorsed ORDER entered. ELECTRONIC ENDORSEMENT re <u>17</u> Status Report filed by USA. NOTED. Further status report due 4/17/06.(Urso, Lisa) (Entered: 03/02/2006)
04/17/2006	<u>18</u>	STATUS REPORT by USA. (Donato, Christopher) (Entered: 04/17/2006)
12/19/2006	<u>19</u>	MOTION to Dismiss by Terrence J. Joyce.(Johnson, Jay) (Entered: 12/20/2006)
01/10/2007	<u>20</u>	Opposition re <u>19</u> MOTION to Dismiss filed by USA. (Donato, Christopher) (Entered: 01/10/2007)
01/10/2007	<u>21</u>	First MOTION for Summary Judgment by USA.(Donato, Christopher) (Entered: 01/10/2007)
01/10/2007	<u>22</u>	MEMORANDUM in Support re <u>21</u> First MOTION for Summary Judgment filed by USA. (Attachments: # <u>1</u> Exhibit)(Donato, Christopher) (Entered: 01/10/2007)
01/23/2007	<u>23</u>	MOTION to Strike <u>20</u> Opposition to Motion to Dismiss by Terrence J. Joyce.(Johnson, Jay) (Entered: 01/24/2007)
01/23/2007	<u>24</u>	RESPONSE to Motion re <u>21</u> First MOTION for Summary Judgment filed by Terrence J. Joyce. (Johnson, Jay) (Entered: 01/24/2007)
01/23/2007	<u>25</u>	MEMORANDUM in Opposition re <u>21</u> First MOTION for Summary Judgment filed by Terrence J. Joyce. (Johnson, Jay) (Entered: 01/24/2007)
02/16/2007		Judge Rya W. Zobel : endorsed ORDER entered denying <u>19</u> Motion to Dismiss. because plaintiff did try to comply with the court's order; granting <u>21</u> Motion for Summary Judgment, based on the documents submitted which are represented to be the same documents defendant filed in support of his case in the Bankruptcy Court, no dispute exists as to the loans in issue and defendant's liability therefor. Judgment may be entered for plaintiff in the amount of \$26,259.58 plus interest from 12/15/01 at the agreed rate; denying <u>23</u> Motion to Strike (Urso, Lisa) (Entered: 02/20/2007)
02/20/2007	<u>26</u>	Judge Rya W. Zobel : ORDER entered. JUDGMENT in favor of plaintiff in the amount of \$26,259.58 plus interest from 12/15/01 at the agreed

		rate. (Urso, Lisa) (Entered: 02/20/2007)
03/02/2007	<u>27</u>	MOTION for Reconsideration re <u>26</u> Judgment, Order on Motion to Dismiss, Order on Motion for Summary Judgment, Order on Motion to Strike,,,,, by Terrence J. Joyce.(Johnson, Jay) (Entered: 03/05/2007)
03/05/2007	<u>28</u>	Opposition re <u>27</u> MOTION for Reconsideration re <u>26</u> Judgment, Order on Motion to Dismiss, Order on Motion for Summary Judgment, Order on Motion to Strike,,,,, filed by USA. (Donato, Christopher) (Entered: 03/05/2007)
03/07/2007		Judge Rya W. Zobel : endorsedORDER entered denying <u>27</u> Motion for Reconsideration (Urso, Lisa) (Entered: 03/08/2007)
04/16/2007	<u>29</u>	NOTICE OF APPEAL as to <u>26</u> Judgment by Terrence J. Joyce NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/7/2007. (Johnson, Jay) (Entered: 04/17/2007)